

May 9, 1975

PRESIDENT: Motion fails.

CLERK: That's the only amendment on the bill, Mr. President.

PRESIDENT: Discussion? All those in favor say aye, contrary nay. The bill is advanced.

CLERK: Mr. President, I . . . to return 577 to Select File for specific amendment. Signed, Senator Bereuter.

PRESIDENT: Senator Bereuter.

SENATOR BEREUTER: Mr. President, members of the Legislature, due to a problem not of my own making this was not picked up on the first time through. What I am proposing is that the amendment that was offered by Senator Richard Lewis on General File be stricken. Therefore, I'm asking you to return it for that purpose. I'll explain why. The amendment that was added, if you want to check it, is on page 1521 of the Legislative Journal, or you can find it now in the bill books. This amendment was added when I had an excused absence on General File. I did not get to speak to the import of it. I want to call the attention of the membership to the very important impact that this amendment has on water law in the State of Nebraska. I'm very much opposed to it. I understand why Senator Lewis and Senator Mills, who supported it I believe, are offering this amendment. They have severe problems in their area, or at least concerns that severe problems will develop because of the acquisition and development of . . . well class 5, I suppose, or class 6 land through the pivot irrigation system. When you apply this statewide and you permit your Director of Water Resources, or as in this case the Board of Directors, as I recall, the NRD's to stop well drilling in control areas or critical areas as they're sometimes called, this is a very substantial change. I don't believe I'm overstating it when I say that this is the enabling legislation for what, while good intention, could be the great Nebraska water robbery. What it means . . . what it . . . the practical impact of it is this, if you have a decision to stop well drilling altogether in a control area rather than using the allocation system, or rather than using well spacing provisions that are in LB 577, you can do this. You can say to the owner and operator . . . or operator of a dry-land farm, or dry-land ranch, you cannot drill a well. Yet neighbors can continue to irrigate, perhaps they're being reduced, perhaps not. What you're doing is making it possible for the application of repairing our surface water law to ground water. I believe firmly that everyone who has property has at least a right to some of the water that's beneath his or her property. I understand the peculiar problems that we're having in Senator Lewis' district. I don't know what the solutions for those problems are. This is a power, the power to stop well drilling, the power to apply surface water law to ground water that I cannot support. As long as this amendment is in the bill, no matter what the rest of the bills merit might be, I cannot support it. This is a very significant amendment. I'm asking that the bill be returned to Select File to strike this amendment. I know that Senator Lewis will want to speak to this and protect the best interest of his district as he perceives it.